

## § 1871.0-3

AUTHORITY: R.S. 2450; 43 U.S.C. 1161.

SOURCE: 35 FR 9533, June 13, 1970, unless otherwise noted.

### Subpart 1871—Principles

#### § 1871.0-3 Authority.

The Act of September 20, 1922 (42 Stat. 857; 43 U.S.C. 1161-1163), as modified by section 403 of Reorganization Plan No. 3 of 1946 (60 Stat. 1100), reads as follows:

SEC. 1161. The Secretary of the Interior, or such officer as he may designate, is authorized to decide upon principles of equity and justice, as recognized in courts of equity, and in accordance with regulations to be approved by the Secretary of the Interior, consistently with such principles, all cases of suspended entries of public lands and of suspended preemption land claims, and to adjudicate in what cases patents shall issue upon the same.

SEC. 1162. Every such adjudication shall be approved by the Secretary of the Interior and shall operate only to divest the United States of the title to the land embraced thereby, without prejudice to the rights of conflicting claimants.

SEC. 1163. Where patents have been already issued on entries which are approved by the Secretary of the Interior, the Secretary of the Interior, or such officer as he may designate, upon the canceling of the outstanding patent, is authorized to issue a new patent, on such approval, to the person who made the entry, his heirs or assigns.

#### § 1871.1 Equitable adjudication.

##### § 1871.1-1 Cases subject to equitable adjudication.

The cases subject to equitable adjudication by the Director, Bureau of Land Management, cover the following:

(a) *Substantial compliance*: All classes of entries in connection with which the law has been substantially complied with and legal notice given, but the necessary citizenship status not acquired, sufficient proof not submitted, or full compliance with law not effected within the period authorized by law, or where the final proof testimony, or affidavits of the entryman or claimant were executed before an officer duly authorized to administer oaths but outside the county or land district, in which the land is situated, and special cases deemed proper by the Director, Bureau of Land Management, where the error or informality is satis-

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factorily explained as being the result of ignorance, mistake, or some obstacle over which the party had no control, or any other sufficient reason not indicating bad faith there being no lawful adverse claim.

### PART 1880—FINANCIAL ASSISTANCE, LOCAL GOVERNMENTS

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#### Subpart 1881—Payments in Lieu of Taxes

AUTHORITY: Pub. L. 94-565, 90 Stat. 2662, 31 U.S.C. 1601-1607.

SOURCE: 42 FR 51580, Sept. 29, 1977, unless otherwise noted.

##### § 1881.0-1 Purpose.

The regulations establish procedures for making payments in lieu of taxes to units of local government for certain Federal lands within their boundaries.

## Bureau of Land Management, Interior

## § 1881.0-5

### § 1881.0-3 Authority.

The authority for these regulations is the Act of October 20, 1976, 31 U.S.C. 6901-6907, hereinafter referred to as *the Act*.

[42 FR 51580, Sept. 29, 1977, as amended at 50 FR 1305, Jan. 10, 1985]

### § 1881.0-5 Definitions.

(a) A *government*, as that term is used by the Bureau of the Census for general statistical purposes, is an organized entity having substantial autonomy and whose officers are either popularly elected or appointed by publicly elected officials. Other indicia of governmental character include (1) a high degree of responsibility to the public for performance of duties of a governmental nature, (2) power to levy taxes, and (3) power to issue debt paying interest exempt from Federal taxation.

(b)(1) *Unit of general local government* means a unit of that type of government which, within its state, is the principal provider of governmental services affecting the use of entitlement lands. Those services of government include (but are not limited to) maintenance of land records, police protection, fire protection, taxation, land use planning, search and rescue and road construction. Ordinarily, a unit of general government will be a county. However, where a smaller unit of government is the principal provider of governmental services affecting the use of public lands within a state, the smaller unit, even though within a larger unit of government, will be considered a general unit of government and will receive payments under the Act. These units of general government will ordinarily be *towns* or townships within states where county governments are nonexistent or nearly nonexistent. The term *unit of general government* also includes:

(i) Governments with the functions of a unit of general local government in that state combined with another type of government such as city, township, parish, borough or county, e.g., a city and county as in the City and County of Denver.

(ii) Cities located outside of any of the units of general local government for that state and administering func-

tions commonly performed by those units of general local government.

(iii) Alaskan boroughs in existence on October 20, 1976, and, beginning October 1, 1978, for purposes of payment under section 3 of the Act, a unit of local government in Alaska located outside of boundaries of an organized borough which acts as the collecting and distributing agency for real property taxes.

(iv) The Governments of the District of Columbia, Puerto Rico, Guam and the Virgin Islands.

(2) The term *unit of general local government* excludes single purpose or special purpose units of local government such as school districts or water districts.

(c) (1) *Entitlement lands* are lands owned by the United States which are:

(i) Within the National Park System including wilderness areas;

(ii) Within the National Forest System including wilderness areas and also including those areas of Superior National Forest, Minnesota, set forth in 16 U.S.C. 577d and 577d-1 (1970);

(iii) Administered by the Secretary of the Interior through the Bureau of Land Management;

(iv) Water resource projects administered by the Bureau of Reclamation or Corps of Engineers;

(v) Dredge disposal areas administered by the Corps of Engineers;

(vi) Beginning October 1, 1978, lands on which are located semiactive or inactive installations, not including industrial installations, retained by the Army for mobilization purposes and for support of reserve component training;

(vii) Beginning October 1, 1978, lands designated as *reserve areas*, which means any area of land withdrawn from the public domain and administered, either solely or primarily, by the Secretary through the Fish and Wildlife Service. For the purpose of these regulations, reserve areas also include lands in Hawaii, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands, which were initially administered by the United States through an act of Congress, Executive Order, Public Land Order or Proclamation of the President and administered, either solely or primarily, by the Secretary through the Service; or